



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/084,892	02/27/2002	Shukti Chakravarti	P-CW 4945

23601  
CAMPBELL & FLORES LLP  
4370 LA JOLLA VILLAGE DRIVE  
7TH FLOOR  
SAN DIEGO, CA 92122

CONFIRMATION NO. 1524

## FORMALITIES LETTER



\*OC000000007673483\*

Date Mailed: 03/20/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/22/2002 MBERHE 00000124 10084892

FILED UNDER 37 CFR 1.53(b)

01 FC:2001	370.00 OP
02 FC:2051	65.00 OP
03 FC:2201	126.00 OP

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$252.  
▪ **\$252** for 3 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1122.**

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



10-21-02

m r e  
496 m r e

PATENT

Our Docket: P-CW 4945

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
Shukti Chakravarti

Serial No.: 10/084,892

Filed: February 27, 2002

For: GENE EXPRESSION PROFILING OF  
INFLAMMATORY BOWEL DISEASECOMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231  
Attention: BOX MISSING PARTS

) Examiner: Not Yet Known

) Group Art Unit: 1627

) Confirmation No.: 1524

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"

) "EXPRESS MAIL" MAILING LABEL NUMBER: EL 857043756 US

) DATE OF DEPOSIT: October 18, 2002

) I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING

) DEPOSITED WITH THE UNITED STATES POSTAL SERVICE

) "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37

) C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS

) ADDRESSED TO ATTN: Box Missing Parts, COMMISSIONER FOR

) PATENTS WASHINGTON, D.C. 20231.

Mary Begalla

(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

Mary Begalla

(SIGNATURE OF PERSON MAILING PAPER OR FEE)

MISSING PARTS TRANSMITTAL

Dear Sir:

In response to the Notice to File Missing Parts mailed  
March 20, 2002, enclosed are:

- X 1. A copy of the Notice to File Missing Parts;
- X 2. An executed Declaration for Patent Application;
- X 3. A Recordation Form Cover Sheet and an executed Assignment;
- X 4. A Small Entity Statement executed by Case Western Reserve University;
- X 5. A Small Entity Statement executed by Prometheus Laboratories, Inc.;
- X 6. An executed Power of Attorney for Patent Application by Assignee;
- X 7. An executed Statement Under CFR 3.73(b) with copy of executed Assignment;
- X 8. Petition for five-month extension of time (in duplicate).

The filing fee has been calculated as shown below:

	NUMBER FILED		NUMBER EXTRA		RATE		FEE	
					SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	18 - 20	=	0	x	\$9	\$18	= \$0.00	\$
INDEPEN- DENT CLAIMS	6 - 3	=	3	x	\$42	\$84	= \$126.00	\$
MULTIPLE DEPENDENT CLAIMS PRESENTED: ____ YES <u>X</u> NO					\$140	\$280	= \$0.00	\$
					BASIC FEE		\$370.00	\$740
					TOTAL FEE		\$496.00	

Inventor: Shukti Chakravarti  
Serial No.: 10/084,892  
Filed: February 27, 2002  
Page 2

- ☒ 9. A check in the amount of \$1,581.00 to cover the filing fee of \$496.00, the surcharge fee of \$65.00, \$980.00 for the five-month extension of time, and \$40.00 for recording an Assignment for the application is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ The Commissioner is hereby authorized to charge to Deposit Account No. 03-0370 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted

Date: October 18, 2002

By: Andrea L. Gashler  
Andrea L. Gashler  
Reg. No. 41,029

CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122  
Telephone: (858) 535-9001  
Facsimile: (858) 535-8949  
USPTO CUSTOMER NO. 23601

#4



Document: An executed Statement Under  
CFR 3.73(b) with copy of  
executed Assignment  
Attorney Docket No: P-CW 4945

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EL 857043756 US

DATE OF DEPOSIT: October 18, 2002

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH  
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ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE  
AND IS ADDRESSED TO ATTENTION BOX MISSING PARTS, COMMISSIONER FOR  
PATENTS, WASHINGTON, D.C. 20231.

Mary Begalla  
Printed Name of Person Mailing Paper or Fee

Mary Begalla  
Signature of Person Mailing Paper or Fee



#6

PATENT  
Our Docket: P-CW 4945

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Shukti Chakravarti )  
Serial No. 10/084,892 )  
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For: GENE EXPRESSION )  
PROFILING OF INFLAMMATORY )  
BOWEL DISEASE )  
\_\_\_\_\_ )

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**SMALL ENTITY STATEMENT**

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

**(1) Individual person:**

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

**(2) Small business concern:**

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint

Inventor: Shukti Chakravarti  
Serial No.: 10/084,892  
Filed: February 27, 2002  
Page 2

venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.

The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

**(3) Nonprofit organization:**

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B), (D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C), (D).

Inventor: Shukti Chakravarti  
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Page 3

Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include, but are not limited to, an inventor him- or herself or an authorized officer of an assignee or licensee. See § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. The other party having rights in the invention is **PROMETHEUS LABORATORIES, INC.** Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

Inventor: Shukti Chakravarti  
Serial No.: 10/084,892  
Filed: February 27, 2002  
Page 4

I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

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I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

10-10-02

Date

Name: 

Title: \_\_\_\_\_

Case Western Reserve University  
10900 Euclid Avenue  
Cleveland, Ohio 44106

 **CASEY PORTO**  
**ASSOCIATE VICE PRESIDENT**  
**TECHNOLOGY TRANSFER**  
**CASE WESTERN RESERVE UNIVERSITY**





PATENT

Our Docket: P-CW 4945

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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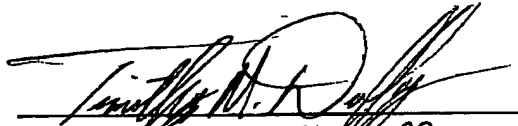
Inventor: Shukti Chakravarti  
Serial No.: 10/084,892  
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Page 4

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October 17, 2002  
Date

  
Name: Timothy M. Duffy  
Title: Vice President, Business Development

Prometheus Laboratories, Inc.  
5739 Pacific Center Boulevard  
San Diego, California 92121